

रजिस्टर्ड नं० पी० ६७



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, ११ सितम्बर, १९६८/२० भाद्रपद, १८६०

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 19th August, 1968

No. 6-7/68-LR.—The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Bill, 1968 (No. 9 of 1968) after having received the

assent of the President on the 26th July, 1968 under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 13 of 1968.

JOSEPH DINA NATH,
Under Secretary (Judicial).

Act No. 13 of 1968

**THE HIMACHAL PRADESH (TRANSFERRED TERRITORY)
TENANTS (PROTECTION OF RIGHTS) ACT, 1968**

AN
ACT

to protect the tenants in the transferred territory in the Union territory of Himachal Pradesh against eviction from their holding and for the matters incidental or ancillary thereto.

BE it enacted by the Legislative Assembly of the Union territory of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1968.

Short title
and extent.

(2) It extends to the whole of the transferred territory in the Union territory of Himachal Pradesh.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) 'competent authority' means any person or authority authorised by the Government by notification in the Official Gazette to perform the functions of a competent authority under this Act for such area as may be specified in the notification;

(b) 'Government' means the Lieutenant Governor of Himachal Pradesh;

(c) 'Official Gazette' means the Rajpatra, Himachal Pradesh;

(d) 'local authority' includes Zila Parishads, Panchayat Samitis, Panchayats and other authority legally entitled to or entrusted by the Government with the control or management of a municipal or local fund;

(e) 'prescribed' means prescribed by rules made under this Act;

(f) 'transferred territory' means the territory transferred to the Union territory of Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966;

(g) all other words and expressions used in this Act and not defined but defined in:—

(i) the Pepsu Tenancy and Agricultural Lands Act, 1955, in relation to the area in which that Act is in force;

or

(ii) the Punjab Security of Land Tenures Act, 1953 in relation to the area in which that Act is in force;

shall have the meanings respectively assigned to them in the Pepsu Tenancy and Agricultural Lands Act, 1955 or, as the case may be, in the Punjab Security of Land Tenures Act, 1953.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract:—

Stay of
eviction
proceedings.

(a) no suit, proceedings in execution of decrees or orders, or other proceedings for eviction of a tenant from his holding or any part thereof shall lie in any court; and

(b) all suits, proceedings in execution of decrees or orders and other proceedings for such eviction pending in a court at the commencement of this Act, shall, for a period of one year, from such commencement, be stayed.

31 of 1966.

13 of 1955.

10 of 1953.

13 of 1955.

10 of 1953.

(2) Nothing in sub-section (1) shall preclude a court from ordering the eviction of a tenant from his holding or any part thereof:—

- (a) if the tenant holds his tenancy from a person of Armed Forces who wants to cultivate the land himself on his ceasing to be a member of the Armed Forces, and is entitled to resume the land comprised in the holding or such part under the provisions of the Punjab Security of Land Tenures Act, 1953 or the Pepsu Tenancy and Agricultural Lands Act, 1955, as the case may be; or
- (b) if the tenant has used the land comprised in the holding or such part in a manner which renders it unfit for the purpose for which it was let or has sublet his tenancy or part thereof:

Provided that where only a part of the tenancy has been sublet, the tenant shall be liable to be evicted only from such part; or

- (c) where the rent is payable in kind, if the tenant has failed without sufficient cause to cultivate the land comprised in the holding or such part in the manner or to the extent customary in the locality in which the holding or such part is situate; or
- (d) if a decree for arrears of rent in respect of the tenancy has been passed against the tenant and has not been satisfied within three months thereof.

Suits or other proceedings for eviction due to non-payment of arrears of rent to be treated as suits or proceedings for recovery of arrears of rent.

4. Notwithstanding anything contained in section 3, if at the commencement of this Act, any suit or other proceeding for eviction of a tenant for non-payment of arrears of rent is pending in a court, the court may, on an application made to it within the prescribed period by the landowner treat such suit or other proceeding as a suit or other proceeding for recovery of arrears of rent and dispose of it accordingly.

Reinstatement of tenant.

5. (1) Where a tenant who was in occupation of his holding or any part thereof on or after the 1st day of November, 1966, but has been evicted from such holding or part before the commencement of this Act, otherwise than by due process of law, the competent authority may, on an application made in that behalf by such tenant within three months of the commencement of this Act, initiate action for the reinstatement of such tenant in accordance with the provisions of this section.

(2) The competent authority shall give notice to the landowner and to the person, if any, in possession of such holding or part thereof and shall, on being satisfied, after such summary inquiry as he may consider necessary, that the tenant was evicted on any ground otherwise than by due process of law, order that the tenant be reinstated in such holding or part and that the person in possession of such holding or part be evicted therefrom:

Provided that if at the time of making any such order there are any standing crops in such holding or part, the competent authority shall not enforce the order in respect of such holding or part, as the case may be, until the crops are harvested.

(3) Every order made by the competent authority under this section shall be enforceable in such manner as if it were a decree for eviction passed by a competent court.

10 of 1953.
13 of 1955.

6. The Financial Commissioner may, of his own motion or on an application made to him in that behalf by any person aggrieved by any order passed by a competent authority call for the record of any case disposed of by the competent authority under this Act and may pass such order thereon as may appear to him to be just and equitable:

Revision.

Provided that no order affecting any person shall be passed under this section unless such person is given an opportunity of being heard in the matter.

7. Nothing in this Act shall apply to lands belonging to Government or local authority.

Exemption.

8. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for:—

(a) the period within which an application may be made to a court under section 4; and

(b) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

